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Hon. Mary Jo Heston  
Chapter 7 Proceeding  
Hearing Date: September 9, 2021  
Hearing Time: 9:00 a.m.  
Response Date: September 2, 2021

4  
5 IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
6 WESTERN DISTRICT OF WASHINGTON

7 In re:

Case No. 21-41090-MJH

8 ATEs, STEPHEN LEE,

DECLARATION OF MICHAEL JOHNS

9 Debtor.

10 Michael Johns makes this declaration in support of the Response to Creditors William C.  
11 Gibson and Laurel Gibson's Motion for Relief from Automatic Stay.

12 1. I am over the age of 18 and am personally familiar with the information contained  
13 in this declaration.

14 2. I am an attorney licensed to practice law in the state of Washington.

15 3. I represent Stephen Ates, Kelly Brace, and Family Classic Homes Inc. in the  
16 Pierce County Superior Court lawsuit under case number 20-2-05781-4.

17 4. Once it was determined that Family Classic Homes Inc. and Stephen Ates had  
18 decided to file for bankruptcy relief, my law firm stopped working on trial preparation. In late  
19 May I notified the Gibson's attorney that a bankruptcy filing was imminent for both Family  
20 Classic Homes Inc. and Stephen Ates. I further advised Gibsons' attorney that it was anticipated  
21 that Kelly Brace would also file for bankruptcy relief, although she later decided not to do so.

22 5. The defendants did not identify any exhibits or witnesses in the joint statement of  
23 evidence that the plaintiffs filed a few weeks prior to the scheduled trial date.

DECLARATION

-1-



MORTON  
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1           6.       Family Classic Homes Inc. and Stephen Ates would be greatly prejudiced if the  
2 case were to be sent back to Pierce County Superior Court for trial in October, 2021.

3           7.       The claims against Kelly Brace involve transfers of money or property that  
4 Gibsons allege were transferred to her by Family Classic Homes Inc. or Stephen Ates personally.  
5 As a result, those claims are property of the respective bankruptcy estates of Family Classic  
6 Homes, Inc. and Stephen Ates.

7           8.       I hereby certify under penalty of perjury under the laws of the State of  
8 Washington that the foregoing is true and correct.

9           Dated this 2nd day of September 2021.

11                               /s/ Michael Johns  
12                               Michael Johns

